

Point Wells developer wins court fight; more review ahead

The state Supreme Court has ruled in favor of the developer of Point Wells.

By [Nancy Bartley](#)

Seattle Times staff reporter

[PREV](#) 1 of 3 [NEXT](#)



Steve Ringman / The Seattle Times, 2009

An aerial view looking south of former tank farm at Point Wells near Woodway. The area is a former petroleum-transfer site.

Improvements workshop

The city of Shoreline has been working with Blue Square Real Estate to identify improvements that will be needed to Richmond Beach Drive and the surrounding transportation grid to mitigate the traffic impacts from the proposed development at Point Wells. The final workshop is scheduled for 6:30 p.m. Wednesday at Shoreline City Hall.

After three years of fighting over legal and environmental issues, a complex of luxury condominiums and an urban village planned at the former tank farm at Point Wells are much closer to moving ahead.

The State Supreme Court found that a Snohomish County board improperly invalidated the development permits a month after they were filed.

“Obviously we are pleased and gratified. We felt strongly on the merits of the case and glad the Supreme Court agreed with our view,” said Gary Huff, an attorney for the developer. As far as planning for the project, “nothing really changes as a result of the decision.”

Blue Square Real Estate Point Wells has been working with Shoreline on the traffic impacts to the area, he said.

“We’ve still got a year or so of environmental and county review processes,” Huff said, and then a review by the state Department of Ecology.

The development proposed by Israeli billionaire Shraga Biran, who has done similar projects around the world, would clean up more than 100 years of pollution at the site but bring an estimated 12,860 daily car trips along a two-lane road through a quiet neighborhood of houses facing the street and Puget Sound.

The proposal has been contentious from the beginning. Its 61 acres would bring tax benefits for Snohomish County, but the site is on Puget Sound at the base of a bluff and access is only along Richmond Beach Drive in Shoreline, King County.

For close to 100 years the property was a petroleum-transfer site, then was [purchased in 2006 by Biran’s Alon Group](#) for development.

The 6-3 ruling by the court on Thursday “is not unexpected,” said Woodway Administrator Eric Faison. He said the town is disappointed; it opposes the project for reasons that include potential light pollution and noise.

“It doesn’t stop the process in terms of looking to the future and trying to work with the developer,” said Mayor Carla Nichols. “We were hopeful but are not shocked by the decision.”

There is still an extensive review process, she said.

“I’d love to see a development that is not as large as what is being proposed and more consistent with the topography,” Nichols said.

She said Woodway is not opposed to development but would rather it involve about 2,000 housing units, instead of the planned 3,000. Some 100,000 square feet of retail and office space also are planned.

Tom Mailhot, president of Save Richmond Beach, the citizens’ group fighting the project, said the Supreme Court decision is “the end of the legal maneuvering. We don’t have much in terms of legal recourse anymore. We are paying attention to the environmental-impact statement the county is preparing for the developer.”

Mailhot said the group has raised numerous issues, from the increase in traffic to possible landslides. In 1997, a large landslide to the north of the property buried the railroad tracks, derailed box cars and uprooted trees.

“We’re not saying it’s going to be like Oso, but it’s something to pay attention to,” he said.

In March 2011, Blue Square filed a project application with Snohomish County, which had designated the property an urban center, allowing such a development. A month later, the Snohomish County Growth Management Hearings Board decided the urban-center designation was not proper, and that the project was no longer allowed.

In an attempt to stop the development, Save Richmond Beach and Woodway sued both Snohomish County and Blue Square.

In November 2011 King County Superior Court Judge Dean Lum ruled that Snohomish County should suspend processing Blue Square Real Estate’s development application.

Blue Square and Snohomish County appealed and won. Woodway and Save Richmond Beach then appealed to the state Supreme Court.

Justice Susan Owens, writing for the majority, concluded that the developer’s rights are based on the rules in effect when a complete permit application is submitted. Determining later that the project isn’t in compliance with the Growth Management Act “does not affect rights that have already vested.”

Associate Chief Justice Charles W. Johnson, writing in dissent, argued that the “majority minimizes the environmental impact” of Blue Square’s project.

Nancy Bartley: nbartley@seattletimes.com or 206-464-8522